

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TEAM WORLDWIDE CORPORATION,  Plaintiff,  v.  ACADEMY, LTD D/B/A ACADEMY SPORTS + OUTDOORS,  Defendant.	Case No. 2:19-cv-92-JRG-RSP  LEAD CASE
ACE HARDWARE CORPORATION,	Case No. 2:19-cv-00093-JRG-RSP
AMAZON.COM, INC., AMAZON.COM LLC,	Case No. 2:19-cv-00094-JRG-RSP
BED BATH & BEYOND INC.,	Case No. 2:19-cv-00095-JRG-RSP
COSTCO WHOLESALE CORPORATION,	Case No. 2:19-cv-00096-JRG-RSP
DICK'S SPORTING GOODS, INC.,	Case No. 2:19-cv-00097-JRG-RSP
THE HOME DEPOT, INC.,	Case No. 2:19-cv-00098-JRG-RSP
MACY'S, INC., MACY'S.COM, LLC,	Case No. 2:19-cv-00099-JRG-RSP
TARGET CORPORATION, and TARGET BRANDS, INC.,	Case No. 2:19-cv-00100-JRG-RSP
SEARS, ROEBUCK AND CO., SEARS HOLDINGS CORPORATION, and TRANSFORM HOLDCO LLC,  Defendants.	Case No. 2:20-cv-00006-JRG-RSP  CONSOLIDATED CASES

**JOINT MOTION TO STAY PENDING REMANDED IPR**

Plaintiff Team Worldwide Corporation (“TWW”) and Defendants Academy, Ltd *d/b/a* Academy Sports + Outdoors; Ace Hardware Corporation; Amazon.com, Inc.; Amazon.com LLC; Bed Bath & Beyond Inc.; Costco Wholesale Corporation; Dick’s Sporting Goods, Inc.; Home Depot U.S.A., Inc.; Home Depot Product Authority, LLC; Macy’s Retail Holdings, Inc.; Macy’s.com, LLC; Target Corporation; Sears, Roebuck and Co.; Sears Holdings Corporation; Transform SR LLC; and Transform KM LLC (collectively, “Defendants”), subject to the approval of the Court, agree and hereby jointly move to stay the above-captioned ten cases (collectively, the “Cases”) pending the outcome of the remand to the Patent Trial and Appeal Board in *Intex Recreation Corp. et al. v. Team Worldwide Corp.*, Case No. IPR2018-00859 (the “Remanded IPR”) ordered by the Federal Circuit in *Intex Recreation Corp. et al. v. Team Worldwide Corp.*, Appeal No. 2020-1144 on June 21, 2021. (*See* Dkt. No. 471-1 [“Federal Circuit Opinion”].) In its Opinion, the Federal Circuit determined that petitioner “Intex satisfied its burden of proving obviousness” of claims 1, 7, and 11–14 of the ’018 Patent, and thus “vacate[d] the Board’s determination that claims 1, 5, 7, and 11–14 are not unpatentable based on grounds 5 and 6,” and also that “the Board declined to conduct certain analyses on the grounds that they were not necessary in light of its determination. Specifically, the Board did not address Team Worldwide’s evidence regarding objective indicia of non-obviousness, nor did it address whether claim 5 was obvious based on asserted ground 6. Because we hold that Intex satisfied its burden of proving obviousness, we remand for the Board to conduct further proceedings consistent with his [*sic*] opinion, including resolving these two issues that the Board declined to reach.” (*Id.*, pp. 12-13.) The Federal Circuit Opinion impacts every claim currently asserted in the Cases.

Given the present circumstances in these Cases, on balance, the relevant factors the Court

customarily considers<sup>1</sup> support a stay of the Cases. The parties respectfully request that the Court enter an order staying the case and requiring that no later than 10 days following the Board's Written Decision in the Remanded IPR, the parties meet and confer and provide a joint status report to the Court, including the position of the parties as to whether the stay shall be lifted or continued.

Dated: June 22, 2021

Respectfully submitted,

/s/ Robert Harkins (with permission)

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<sup>1</sup> See, e.g., *NFC Techs. LLC v. HTC Am., Inc.*, No. 2:13-cv-1058-WCB, 2015 WL 1069111, at \*2 (E.D. Tex. Mar. 11, 2015) (Bryson, J., sitting by designation).

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on counsel of record, all of whom have consented to electronic service, on this 22<sup>nd</sup> day of June, 2021.

/s/ Reid E. Dodge